

EXHIBIT 3

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September 5, 2007

BY TELECOPIER

Christopher Serbagi, Esq.
Law Offices of Christopher Serbagi
488 Madison Avenue, Suite 1120
New York, New York 10022

Re: Forest Laboratories, Inc. v. Nissen

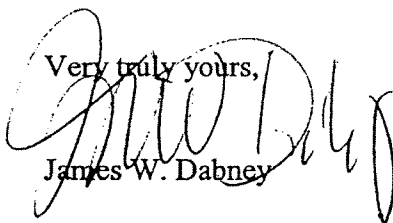
Dear Mr. Serbagi:

We received today, by regular mail, a letter dated August 30, 2007, from your office to Judge Hellerstein, which states that it was purportedly served on the undersigned "via facsimile." This letter will record our request that your office provide us with a fax confirmation receipt or any other record showing that your August 30 letter was, in fact, served on the undersigned via facsimile. Your regular mailed letter of August 30 also included no enclosures.

Your August 30 letter refers to "Plaintiff's request to combine its request for a preliminary injunction hearing with a trial on the merits." This letter will record our request that your office provide us with a copy of any affidavit of service that was prepared at the time that this "request to combine" was submitted, and any other record showing that the plaintiff served this "request to combine" on Mr. Nissen or this office.

Your August 30 letter also refers to (but does not enclose) an "Endorsed letter (i) granting Plaintiff's request to combine its request for a preliminary injunction hearing with a trial on the merits." This letter will record our request that your office provide us with a fax confirmation sheet or any other record showing that a copy of this purported order setting trial was served on Mr. Nissen or this office.

Very truly yours,


James W. Dabney

JWD:jc

Confirmation Report - Memory Send

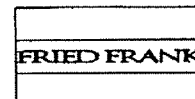
Date & Time: Sep-05-2007 05:43pm
 Tel line : +212 859 8584
 Machine ID : 24C FFHS&J LLP

Job number : 753
 Date & Time : Sep-05 05:39pm
 To : 912123088582
 Number of pages : 002
 Start time : Sep-05 05:39pm
 End time : Sep-05 05:43pm
 Pages sent : 002
 Status : OK

Job number : 753 *** SEND SUCCESSFUL ***

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FAX COVER SHEET



Date: September 5, 2007
 From: James W. Dabney
 Sender's Phone: 212.859.8966
 Sender's Fax: 212-859-8589
 Sender's Email: dabnejam@ffhsj.com
 Number of Pages (including cover sheet): 2

Recipient	Company	Fax	Phone
Christopher Serbagi, Esq.	Law Offices of Christopher Serbagi	212-308-8582	212-593-2112

Comments:

If you have any problems receiving this transmission, please contact us at 212.859.8362.

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